

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

VICTORIA YNETTE JONES,

Defendant-Appellant.

UNPUBLISHED

March 9, 2006

No. 257458

Wayne Circuit Court

LC No. 03-013143-01

Before: Cooper, P.J., and Jansen and Markey, JJ.

MEMORANDUM.

Defendant appeals by right her conviction of carrying a concealed weapon (CCW), MCL 750.227(2), entered after a bench trial. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant was found with a pistol in her backpack as she stood on a sidewalk adjacent to a parking lot across the street from her condominium complex. The parking lot was a common element of the complex. Defendant indicated that she mistakenly believed that a purchase permit she received was a permit to carry the weapon as well. She stated that at the time she was arrested, she was working in a garden area that belonged to the condominium complex.

The trial court found defendant guilty of CCW, noting that she was required to walk on public streets and sidewalks in order to get to the garden area. Moreover, the trial court found that defendant's belief that she had a permit to carry the weapon was irrelevant.

We review de novo the interpretation and application of a statute. *People v Weeder*, 469 Mich 493, 497; 674 NW2d 372 (2004). The statute here provides "[a] person shall not carry a pistol concealed on or about his or her person . . . except in his or her dwelling house, place of business, or on other land possessed by the person, without a license to carry the pistol as provided by law" MCL 750.227(2). The right to carry a concealed weapon on one's own property does not extend to a public road or sidewalk adjacent to the property. *People v Marrow*, 210 Mich App 455, 463; 534 NW2d 153 (1995), overruled in part *People v Pasha*, 466 Mich 378, 383; 645 NW2d 275 (2002) (lawful ownership of weapon not a prerequisite to invocation of dwelling house exception).

Although defendant had a license to purchase a weapon, she did not have a license to carry a concealed weapon. She was on a public sidewalk at the time she was arrested. Because

this Court held in *Marrow* that the exemptions provided in MCL 750.227(2) do not extend to public sidewalks or streets adjoining a person's land, *Marrow, supra* at 461-463, the trial court properly convicted defendant of CCW.

We affirm.

/s/ Jessica R. Cooper
/s/ Kathleen Jansen
/s/ Jane E. Markey